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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NAACP OF SAN JOSE/SILICON
VALLEY, et al.

Plaintiffs,

v.

CITY OF SAN JOSE, et al.

Defendants.

Case Number: 21-cv-01705-PJH

**DEFENDANTS' BRIEF ON
PLAINTIFFS' LETTER SEEKING
CLARIFICATION ON STATE LAW
CLAIMS**

Pursuant to this Court's Order on August 28, 2023 (ECF 157), Defendants submit this brief in response to Plaintiffs' letter seeking clarification on the state law claims of Plaintiffs Swift and Allen against Defendant City of San Jose (ECF 155). Defendant City of San Jose does not dispute that if Plaintiff Swift and/or Allen succeeds on any state law claims against an individual Defendant officer, then Defendant City of San Jose will also be vicariously liable. In the interest of judicial economy, and to obviate the need for jury consideration of this issue, Defendant City of San Jose would be willing to stipulate that if any Plaintiff succeeds on a

1 state law claim as against an individual officer, then judgment on those state law claims will
2 be entered against Defendant City of San Jose as well.

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5 Dated: August 31, 2023

Respectfully submitted,

NORA FRIMANN, City Attorney

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7 By: /s/ Yue-Han Chow
YUE-HAN CHOW
8 Senior Deputy City Attorney

9 Attorneys for Defendants
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